

9/5/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---------------|---------------------------|---|------------------------------|
| Applicant: | Alan B. Shuey | : | |
| Assignee: | Ductmate Industries, Inc. | : | Patent Application |
| Serial No. | 10/029,087 | : | RELEASABLE CABLE GRIP |
| Filed: | December 20, 2001 | : | Attorney Docket No. 010071 |
| Examiner: | Ruth C. Rodriguez | : | |
| Art Unit: | 3677 | : | |
| Confirmation: | 3407 | : | |

**DECLARATION
OF
Edward F. Rafalski 37 CFR 1.132**

September 05, 2006

I, Edward F. Rafalski, an employee of Ductmate Industries, Inc., the Assignee of the application, declare as follows:

1. **EDUCATION**

- (a) MS in Mechanical Engineering in 1993 from University of Pittsburgh
- (b) Headed research study in conjunction with ASHRAE for study of duct components. 1993-1995.

2. **EXPERIENCE**

- (a) Worked for 8 years as Chief Mechanical Engineer for Ductmate Industries – headed product development.
- (b) Worked for 3 years as Sales and Operations Manager – assisted in the development of the initial marketing and sales strategies for the wire rope hanging systems.

9/5/2006

- (c) Currently oversee the sales and marketing efforts for all Ductmate products including wire rope hanging systems.

3. **I HAVE REVIEWED:**

- (a) The Shuey Patent Application No 10/029,087.
- (b) US Patent No. 6,003,210 - Facey et al;
- (c) US Patent No. 4,889,320 – Pashrig;
- (d) James R. Moon Declaration
- (e) June 6, 2006 Office Action
- (f) Applicant's May 12, 2006 Amendment

4. **THE LEVEL OF SKILL OF ONE SKILLED IN THIS ART**

In my opinion, a person of ordinary skill in this art would be a person with a Mechanical Engineering Degree having two (2) years experience working with cable support devices. Alternatively the person of ordinary skill could have four (4) years of experience in using cable support devices.

5. **STATEMENT**

The statements in James R. Moon's Declaration are not speculative. They are based on general engineering principles. These principles would apply to any typed of mechanical apparatus. Patent No. 6,131,340 deals with a sliding door system having a slot. James R. Moon's statements deals with a sliding wedge

9/5/2006

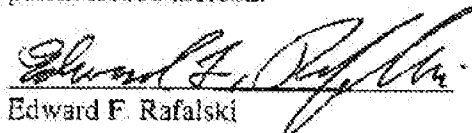
having a slot. Any time there is an opening in a mechanical system there is opportunity for dirt to enter into the apparatus. And when there is an opening near sliding parts, dirt can enter and jam the parts.

Patent No. 6,301,787 deals with a shear sliding lock. It indicates that an increase in the number of parts equates to greater material cost and the increase in the number of parts makes assembly more costly and more moving parts also means more opportunities for wear or failure. These are the same statements made by James R. Moon. This is common sense for any mechanical device. Any additional part costs additional money, and additional parts increase the risk of failure.

The statements made by James R. Moon apply to all mechanical apparatus. The statements made in Patent No. 6,131,340 and 6,301,787 cited by Applicant would apply to all mechanical apparatuses.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Edward F. Rafalski

Date: September 05, 2006